

Before the State of South Carolina
Department of Insurance

In the matter of:)
Bryce T. Dillard,)
779 Glendalyn Avenue)
Spartanburg, South Carolina 29302.)
_____)

SCDI File Number 2001-106121

Consent Order
Imposing Administrative Penalty
and Reinstating License

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and Bryce T. Dillard, a licensed South Carolina resident insurance agent.

Upon review of this matter, I hereby find as fact that Dillard failed to timely pay the year 2000-2000 continuing education fee (the CE fee) required by S.C. Code Ann. § 38-43-106(D) (Supp.2000) and Reg. 69-50 § VIII. Dillard acknowledges that he did not pay the required fee on or before the May 1, 2000 deadline. Further, it appears that his failure to timely pay the CE fee resulted from his failure to notify the Department of a change of address as required by law. These acts ultimately led to the cancellation of Dillard's license to transact the business of insurance as an agent in South Carolina.

Since then, Dillard has expressed a desire to reinstate his license. He and the Department agreed to submit the entire matter to me, along with their specific recommendation, for my summary decision. The consensual recommendation was that the Department would reinstate Dillard's resident insurance agent license upon his payment of the CE fee to the CE Administrator and an administrative penalty in the total amount of \$250 to the Department.

Section 38-43-106(D) of the South Carolina Code makes insurance agents "responsible for payment to the continuing education administrator of a reasonable annual fee for operation of the continuing education program." Section 38-43-107 requires insurance agents to notify the Department of Insurance within 30 days of any change in address. Section 38-43-130 states, in pertinent part, that the Director of Insurance may revoke an agent's license "when it appears that an agent...has violated this title or any regulation promulgated by the Department, or has willfully deceived or dealt unjustly with the citizens of this State."

After a thorough review of the record, and pursuant to my findings of fact, I hereby conclude as a matter of law that Dillard has not complied with S.C. Code Ann. §§ 38-43-107 and 38-43-106(D) and 25A S.C. Code Ann. Reg. 69-50 §VIII (Supp. 2000). As a result, the administrative action previously taken against his resident insurance agent license was proper. However, under the discretionary authority provided to me within S.C. Code Ann. § 38-43-130 (Supp. 2000), and after carefully considering the recommendations of the parties, I hereby impose against Dillard an

_____ Bryce T. Dillard

administrative penalty in the total amount of \$250. If Dillard pays that penalty within ten days of the date of my signature upon this consent order, and if he also provides proof of his having paid the CE fee, the Department will reinstate his resident insurance agent license.

The parties have reached this agreement in consideration of the Department having never taken any administrative disciplinary action against Dillard before, of Dillard's self-reporting of this matter, and of his assurance that in the future he will comply with the state's insurance laws, particularly that of timely providing address change information and paying the CE fee. The parties expressly agree and understand Dillard's payment of the agreed-upon penalty constitutes full accord and satisfaction of this matter.

By his signature upon this consent order, Dillard acknowledges that he understands that this administrative order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 2000). Nothing contained within this administrative order should be construed to limit, or to deprive any person of, any private right of action under the law. Nothing contained within this administrative order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement officer or judicial officer. Nothing contained within this administrative order should be construed to limit the statutory duty, pursuant to S.C. Code Ann. § 38-3-110 (Supp. 2000), of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the laws relative to the business of insurance or the provisions of this title which he considers necessary to report."

It is, therefore, ordered that Bryce T. Dillard shall, within ten days of the date of my signature on this consent order, pay through the Department an administrative penalty in the total amount of \$250.

It is further ordered that a copy of this consent order be immediately transmitted to the National Association of Insurance Commissioners for distribution to its member states and a copy be placed in Dillard's licensing file.

This consent order becomes effective as of the date of my signature below.

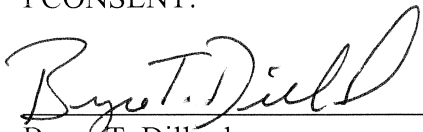
January 18, 2001, at
Columbia, South Carolina



Ernst N. Csiszar
Director

_____ Bryce T. Dillard

I CONSENT:

A handwritten signature in cursive script, reading "Bryce T. Dillard", written over a horizontal line.

Bryce T. Dillard

779 Glendalyn Avenue

Spartanburg, South Carolina 29302

Dated this 12th day of January, 2001

In the matter of:

Brian L. Donnelly

2119 Old Pendleton Road

Easley, South Carolina 29642.

File Number 105744

Consent Order Revoking Resident Insurance Agent's License

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance (Department) and Brian L. Donnelly, a licensed State of South Carolina resident insurance agent.

The Department and Brian L. Donnelly have entered into an agreement by which Donnelly acknowledges that while licensed by the Department to transact business as a resident agent within the State of South Carolina, he collected premiums from clients but failed to forward the premiums to Liberty Life Insurance Company (Liberty). This action is in violation of S.C. Ann. Section 38-43-130 (Supp. 2000) and can ultimately lead to revocation of his license to transact the business of insurance as a resident insurance agent in South Carolina following a public hearing at the Administrative Law Judge Division.

Heretofore, Donnelly has paid full restitution to Liberty and by letter dated January 11, 2001, the Department has voluntarily requested that his qualifications as an insurance agent in the State of South Carolina be removed, a copy of which is attached hereto as Exhibit A.

Donnelly hereby consents to this Order revoking his license to transact the business of insurance in South Carolina.

Rather than contesting this matter with a formal public hearing, the parties agreed to submit the entire matter to me, along with the specific recommendation, for my summary decision based solely on the record. That recommendation was that Donnelly waive his right to a public hearing and would voluntarily surrender his license for revocation.

Section 38-43-130 of the South Carolina Code provides, “The Director or his designee may revoke or suspend an agent’s license after 10 days’ notice or refuse to reissue a license when it appears that an agent has been convicted of a crime of moral turpitude, has violated this title or a regulation promulgated by the Department, or has willfully deceived or dealt unjustly with the citizens of this State.”

After a thorough review of the record, and in accordance with the agreement of the parties, I conclude that Donnelly's actions are in violation of Section 38-43-130, and that he should no longer be allowed to transact the business of Insurance.

By his signature upon this Consent Order Revoking Insurance Agent's License, Donnelly acknowledges that he understands this administrative order is a public record subject to the disclosure

requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§30-4-10, *et seq.* (1991 and Supp. 2000).

Nothing contained within this administrative order should be construed to limit, or to deprive any person of, any private right of action under the law. A criminal investigation was conducted by the South Carolina Attorney General's office regarding this matter and on April 12, 2001 a "Memorandum of Understanding" was entered into between the South Carolina Attorney General's office and Donnelly. The agreement required Donnelly to pay \$5,107.00 in restitution to Liberty Life Insurance Company on or before April 12, 2001. On April 26, 2001, all criminal charges regarding this matter were dismissed by the South Carolina Attorney General's office.

It is, therefore, ordered that the license of Brian L. Donnelly to do business as a resident insurance agent within the State of South Carolina be, and is hereby, revoked and that no license, issued through the Department, is to be issued to Donnelly.

It is further ordered that a copy of this consent order be immediately transmitted to the National Association of Insurance Commissioners for distribution to its current member states and to each insurer for which Brian L. Donnelly is currently licensed to transact business as a resident insurance agent within the State of South Carolina.

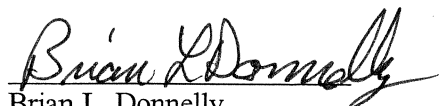
This consent order becomes effective as of the date of my signature below.



Ernst N. Csiszar
Director

~~October~~
September 18, 2001, at
Columbia, South Carolina

I CONSENT:



Brian L. Donnelly
2119 Old Pendleton Road
Easley, South Carolina 29642

Dated this 28 day of September, 2001